

REMARKS

The Office has required restriction in the present application as follows:

- Group I: Claims 3-4, 11-13 and 15-16, drawn to a recombinant vector comprising in sense orientation a DNA encoding a transcription factor controlling a phenylpropanoid biosynthesis pathway and cells and plants transformed therewith;
- Group II: Claims 3, 11-12 and 14, drawn to a recombinant vector comprising in antisense orientation a DNA encoding a transcription factor controlling a phenylpropanoid biosynthesis pathway and cells and plants transformed therewith; and
- Group III: Claims 17-18, drawn to an isolated protein with the activity of a transcription factor controlling the phenylpropanoid biosynthesis pathway.

Applicants elect, with traverse, Group II: Claims 3, 11-12 and 14, drawn to a recombinant vector comprising in antisense orientation a DNA encoding a transcription factor controlling a phenylpropanoid biosynthesis pathway and cells and plants transformed therewith.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. MPEP §803.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all the claims.

Further, Applicants respectfully traverse the Restriction Requirement on the grounds that the Office has not shown that a burden exist in searching all of the claims.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

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Application No. 09/928,412

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Examination of this application is requested.

Respectfully submitted,

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